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In re Application of
CHING

Application No.: 10/572,809
PCT No.: PCT/GB04/03734
Int. Filing Date: 02 September 2004
Priority Date: 02 September 2003
Attorney Docket No.: NONE
For: ANTI-TAMPER DEVICE

: DECISION ON
: PETITION UNDER
: 37 CFR 1.137(b)

This decision is in response to applicants' submission filed 20 March 2006.

BACKGROUND

On 02 September 2004, applicants filed international application PCT/GB04/03734 which designated the U.S. and claimed a priority date of 02 September 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 17 March 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 March 2006.

On 20 March 2006, applicants filed a request for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, an assertion of small entity status, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 20 March 2006.

As to item (2), applicant submitted the petition fee on 20 March 2006.

As to item (3), petitioner's statement that the application was unintentionally abandoned has been construed as meaning that the "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional." If this interpretation is incorrect, applicant must *immediately* notify the Office of PCT Legal Administration of such fact.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is GRANTED for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b).


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